

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL THREET,

No. 14-13345

v.

District Judge Bernard A. Friedman
Magistrate Judge R. Steven Whalen

D. PHILLIPS, ET AL.,

Defendants.

ORDER

Before the Court are Plaintiff Michael Threet's two motions to compel discovery [Doc. #45 and Doc. #46], both of which were filed on February 12, 2016. Previously, the Court entered an order staying discovery [Doc. #38] pending resolution of Defendants' motion to dismiss [Doc. #33]. On February 1, 2016, the Court granted in part and denied in part the motion to dismiss [Doc. #44]. Because a party has 30 days to respond to interrogatories and requests to produce, Plaintiff's February 12, 2016 motions to compel, filed less than two weeks after the stay of discovery dissolved, were premature. In addition, the only Defendants that survived the motion to dismiss are Defendants Phillips, Richardson, Hurst, and Bruner; thus, it is only these four Defendants to whom the pending discovery requests are properly directed.

Therefore, Plaintiff's motions to compel [Doc. #45 and Doc. #46] are DENIED WITHOUT PREJUDICE.

Of course, more than 30 days have now elapsed since the Plaintiff made his discovery requests. To the extent that the remaining Defendants have not yet responded, they must do so within 14 days of the date of this Order. If they do not, Plaintiff may renew his motions to compel.

IT IS SO ORDERED.

Dated: June 20, 2016

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify on June 20, 2016 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants June 20, 2016.

s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen